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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,145	10/20/2003	Benjamin Quigley	AOL0055	6038
22862 7590 06/09/2011 GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025				
EXAMINER WONG, ERIC TAI WAI				
ART UNIT 3693		PAPER NUMBER		
NOTIFICATION DATE 06/09/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomatters@glenn-law.com
GlennDocketing@cpaglobal.com

Office Action Summary**Application No.**

10/690,145

Applicant(s)

QUIGLEY ET AL.

Examiner

ERIC T. WONG

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,9,12-17,19,23 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9,12-17,19,23 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ ~~Copies of the certified copies of the priority documents have been received in this National Stage~~
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-5, 8, 9, and 23** are rejected under 35 U.S.C. 102(e) as being anticipated by

Writer (US PG-PUB 2005/0097049 A1).

3. **Regarding claims 1 and 23**, Writer discloses:

- providing, via a computing device, a first set of services, the first set of services requiring a single authentication level (see para. [0002] - face-to-face transactions require a single authentication level, with the computing device being a point-of-sale device);
- presenting, via a computing device, a one-time challenge/response mechanism (see paras. [0020]-[0021]);
- if the accountholder clears the challenge, creating, via a computing device, a wallet account requiring for subsequent transactions multiple authentication levels and providing a different set of services for each authentication level (see paras. [0022] and [0023] – subsequent "card not present" transactions requires additional authentication).

4. **Regarding claim 2**, Writer discloses wherein the challenge/response mechanism requires an accountholder to provide information known only to the accountholder (see paras. [0020]-[0021]).
5. **Regarding claim 3**, Writer discloses creating, via a computing device, the first set of services when making an initial purchase; and creating, via a computing device, a record in a subscriber database (see paras. [0022] and [0023]).
6. **Regarding claim 4**, Writer discloses wherein subscribers include subscribers to any of: an online service; and an ISP (Internet service provider) (see para. [0022]).
7. **Regarding claim 5**, Writer discloses wherein the step of presenting a challenge/response mechanism comprises steps of: requesting, via a computing device, a service from within the first set of services that is only available from within a wallet account (ie. "card not present" transaction); one time only, prompting, via a computing device, the holder of the first set of services to provide the information known only to the holder of the first set of services (see paras. [0020]-[0021]).
8. **Regarding claim 8**, Writer discloses wherein the different set of services for each authentication level comprise tasks requiring greater security than the level of security provided by said single authentication level (ie. "card not present transactions").

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9. **Regarding claim 9**, Writer discloses wherein the additional tasks comprise any of:
editing the default account information; editing account preferences; making purchases that
exceed a predetermined purchase amount; and making purchases at sites that require additional
authentication beyond said single authentication level (ie. Internet sites").

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Writer in view of Partovi (US PAT. 6,807,574).

12. **Regarding claim 12**, Writer does not explicitly disclose wherein the information known only to the holder of the first set of services comprises at least a portion of a credit card number stored in the first account.

13. Partovi teaches verifying an accountholder's identity by requesting a portion of a saved credit card number (see col. 4, lines 7-19).

14. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Writer further with verifying an accountholder's identity by requesting a portion of a credit card number stored in the first account.

15. The modification would have merely been the application of a known technique to a known method ready for improvement yielding predictable results. One of ordinary skill in the art would have recognized that applying the known technique would have yielded predictable results and resulted in an improved method. It would have been recognized that applying the technique of Partovi to the teachings of Writer would have yielded predictable results because

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the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such verification features into similar methods.

16. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Writer in view of Partovi, further in view of Templeton (US PG-PUB 2002/0004772).

17. **Regarding claim 13**, Writer does not explicitly disclose if the holder of the first set of services doesn't clear the challenge, allowing a predetermined number of attempts to enter the information known only to the holder of the first set of services; and if the thin wallet accountholder fails the predetermined number of attempts, allowing the holder of the first set of services to provide a new credit card number; and presenting a challenge based on the new credit card number.

18. Templeton teaches if a user fails a predetermined number of verification attempts, allowing other different or additional verification (see para. [0006]).

19. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Writer to include if the holder of the first set of services doesn't clear the challenge, allowing a predetermined number of attempts to enter the information known only to the holder of the first set of services; and if the thin wallet accountholder fails the predetermined number of attempts, allowing the holder of the first set of services to provide a new credit card number; and presenting a challenge based on the new credit card number.

20. The modification would have merely been the combination of known prior art elements according to known methods yielding predictable results. One of ordinary skill in the art would have recognized that combining the known prior art elements would have yielded predictable results and resulted in an improved method.

21. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Writer in view of Honarvar (US PAT 7,231,657, cited in prior Office Action).

22. **Regarding claim 14**, Writer discloses configuring the challenge by an account provider, wherein configuring the challenge includes: specifying information requested by the challenge.

23. Writer does not explicitly disclose specifying a permissible number of response attempts.

24. Honarvar teaches specifying a permissible number of response attempts (see col. 19, line 55- col. 20, line 30).

25. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Writer to include specifying a permissible number of response attempts.

26. The modification would have merely been the combination of known prior art elements according to known methods yielding predictable results. One of ordinary skill in the art would have recognized that combining the known prior art elements would have yielded predictable results and resulted in an improved method.

27. **Claims 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Writer in view of Weller (US PG-PUB 2002/0111919, cited in prior Office Action).

28. **Regarding claim 15**, Writer discloses creating a record in a full wallet account database. Writer does not explicitly disclose providing notice of a privacy policy; and consenting to the privacy policy by the thin wallet account holder.

29. Weller teaches providing notice of a privacy policy by a service provider and consenting to a privacy policy by a user upon registration for a new service (see para [0057]).

30. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Writer to include providing notice of a privacy policy; and consenting to the privacy policy by the thin wallet account holder.

31. The modification would have merely been the combination of known prior art elements according to known methods yielding predictable results. One of ordinary skill in the art would have recognized that combining the known prior art elements would have yielded predictable results and resulted in an improved method.

32. **Regarding claim 16**, Writer discloses creating at least a second-level challenge (see paras. [0020]-[0023]),

33. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Writer in view of Weller, further in view of Bhagavatula (US PG-PUB 2001/0037451, cited in prior Office Action).

34. **Regarding claim 17**, Writer does not explicitly disclose setting a second-level password; and configuring a security question by the accountholder.

35. Bhagavatula teaches setting a second-level password (ie. pin); and configuring a security question by the accountholder (see para. [0047]).

36. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Writer to include setting a second-level password; and configuring a security question by the accountholder.

37. The modification would have merely been the combination of known prior art elements according to known methods yielding predictable results. One of ordinary skill in the art would have recognized that combining the known prior art elements would have yielded predictable results and resulted in an improved method.

38. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Writer in view of McClung (US PG-PUB 2004/0059636, cited in prior Office Action).

39. **Regarding claim 19**, Writer does not explicitly disclose providing a user interface accessible only to holders of full wallet accounts to edit account information and preferences.

40. McClung teaches providing a user interface accessible only to holders of full accounts to edit account information and preferences (see paras. [0058]-[0059]).

41. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Writer to include providing a user interface accessible only to holders of full wallet accounts to edit account information and preferences.

42. The modification would have merely been the combination of known prior art elements according to known methods yielding predictable results. One of ordinary skill in the art would have recognized that combining the known prior art elements would have yielded predictable results and resulted in an improved method.

43. **Claim 50** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schutzer in view of Writer.

44. **Regarding claim 50**, Schutzer discloses:

- a wallet server (see col. 4, lines 25-46; ie. the merchant server);
- a wallet database (see col. 6, lines 10-38; ie. database 19);
- a subscriber database, wherein said wallet database is distinct from said subscriber database (see col. 8, lines 1-25; ie. the database on the consumer's pc);
- wherein the wallet server is in communication with the wallet and the subscriber databases;
- a client in communication with the wallet server, wherein a wallet accountholder requests services from the wallet server; and a computer program comprising computer code means for providing services to the client.

45. Schutzer does not explicitly disclose providing, via a computing device, a first set of services, the first set of services requiring a single authentication level; presenting, via a computing device, a one-time challenge/response mechanism; if the accountholder clears the challenge, creating, via a computing device, a wallet account requiring for subsequent transactions multiple authentication levels and providing a different set of services for each authentication level.

46. Writer teaches providing, via a computing device, a first set of services, the first set of services requiring a single authentication level (see para. [0002] - face-to-face transactions require a single authentication level, with the computing device being a point-of-sale device); presenting, via a computing device, a one-time challenge/response mechanism (see paras. [0020]-[0021]); if the accountholder clears the challenge, creating, via a computing device, a

wallet account requiring for subsequent transactions multiple authentication levels and providing a different set of services for each authentication level (see paras. [0022] and [0023] – subsequent "card not present" transactions requires additional authentication).

47. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Schutzer to include providing, via a computing device, a first set of services, the first set of services requiring a single authentication level; presenting, via a computing device, a one-time challenge/response mechanism; if the account holder clears the challenge, creating, via a computing device, a wallet account requiring for subsequent transactions multiple authentication levels and providing a different set of services for each authentication level.

48. The modification would have merely been the application of a known technique to a known system ready for improvement yielding predictable results. One of ordinary skill in the art would have recognized that applying the known technique would have yielded predictable results and resulted in an improved system, ie. one with improved security. It would have been recognized that applying the technique of Writer to the teachings of Schutzer would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such multiple authentication levels into similar methods.

Response to Arguments

49. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Related Art

50. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Cheng (US PG-PUB 2004/0039909 A1).

Conclusion

51. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ERIC T. WONG** whose telephone number is (571)270-3405. The examiner can normally be reached on Monday-Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES KRAMER/
Supervisory Patent Examiner, Art Unit 3693

ERIC T. WONG
Examiner
Art Unit 3693

May 25, 2011